

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Joel S. Miliband, #77438 / Laurel R. Zaeske, #138510 RUS, MILIBAND & SMITH A Professional Corporation 2211 Michelson Drive Irvine, California 92612 (949) 752-7100 (949) 252-1514 jmliband@rusmiliband.com / lzaeske@rusmiliband.com <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Chapter 7 Trustee, Charles W. Daff	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION	
In re: DAMON LEWIS BARKSDALE Debtor(s).	CASE NO.: 8:11-bk-20589-CB CHAPTER: 7 NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: January 29, 2013	Time: 2:30 p.m.
Location: Courtroom 5D, 411 West Fourth Street, Santa Ana, California 92701-4593	

Type of Sale: ☒ Public ☐ Private **Last date to file objections:** January 15, 2013

Description of property to be sold: Lots 3 and 4, in Block 2002 of Vista Del Mar Tract, Section 5 as per map recorded in Book 4, Page(s) 15 of Miscellaneous Maps, in the Office of the County Recorder of said County, and commonly known as 2005 Huntington Street, Huntington Beach, California 92648 (the "Property"). The Property is a tri-plex.

Terms and conditions of sale: Sale of the Property pursuant to an executed purchase and sale agreement for \$800,000 on an "AS-IS" and "WHERE IS" basis, without any warranties or recourse whatsoever, subject to overbid, rights of non-debtor spouse under 11 USC §363(i) and Court approval.

Proposed sale price: \$800,000, subject to overbid at Auction

Overbid procedure (if any): See attached Exhibit "A"

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

January 29, 2013

2:30 p.m.

411 West Fourth Street

Courtroom 5D

Santa Ana, CA 92701

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Gary Ostrin

Ostrin & Ostrin Auctioneers

4101 Birch Street, Suite 150

Newport Beach, CA 92660

garyostrin@earthlink.net

Date: December 20, 2012

In re DAMON LEWIS BARKSDALE, Debtor
United States Bankruptcy Case No. 8:11-bk-20589-CB
Chapter 7

**NOTICE OF SALE OF ESTATE PROPERTY
EXHIBIT "A"**

Overbid Procedure:

1. The minimum bid for the Property must be \$805,000
2. Subsequent overbids must be in increments of at least \$1,000;
3. All overbids to purchase the Property must be submitted without any contingencies including inspection, due diligence and financing;
4. Prior to the commencement of the Auction any potential bidder must present to the Trustee certified funds made payable to "Charles W. Daff, Chapter 7 Trustee of the Estate of Damon Lewis Barksdale" in an amount of \$24,000, which is 3% of the initial offer (the "Deposit");
5. At least three (3) days prior to the commencement of the Auction (or such lesser time as the Trustee in his sole discretion deems reasonable), any potential bidder must present documentary evidence in a form acceptable to the Trustee evidencing his/her/its ability to timely close escrow. Said information should be delivered to the Trustee, in care of his attorneys, Rus, Miliband & Smith, at 2211 Michelson Drive, Seventh Floor, California 96212-1043, or by email to lzaeske@rusmiliband.com;
6. The Deposit accepted at the conclusion of the Auction will be non-refundable in the event that the Court confirms the sale to the bidding party but the bidding party fails to timely close the sale for any reason.
7. The acceptance of any overbid from a qualified bidder shall be in the Trustee's sole discretion and will be made at the time of Auction and related hearing to confirm the sale (the "Final Bidder"). The Trustee reserves the right, based solely on his business judgment and discretion, to recommend to the Court for confirmation the best overall offer;
8. At the conclusion of the Auction and once the Trustee determines the Final Bidder, the Trustee will give Mrs. Barksdale the right to purchase the Property at the sale price (*i.e.*, right of first refusal) as provided for under 11 USC § 363(i); and
9. If Mrs. Barksdale does not elect to acquire the Property pursuant to 11 U.S.C. §363(i) at the conclusion of the Auction, the Trustee and the Final Bidder will enter into and be bound by all of the terms of the proposal set forth in the purchase and sale agreement between the Trustee and the Buyer (a copy of which will be attached to the Trustee's Motion to Confirm Sale of Property), except as to price, without contingencies, including no financing contingency,

and shall close escrow within thirty (30) days of the date on which the order approving the sale of the Property is entered on the Bankruptcy Court docket, or such other date as may be mutually agreed to between the parties.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
2211 Michelson Drive, Seventh Floor, Irvine, California 92612

A true and correct copy of the foregoing document entitled: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* December 20, 2012, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Cathrine M Castaldi ccastaldi@rusmiliband.com
- Charles W Daff (TR) cdaff@epiqtrustee.com, c122@ecfbis.com
- Charles W Daff (TR) charlesdaff@yahoo.com, c122@ecfbis.com
- Thomas A. Lee 1 notices@becket-lee.com
- Blake Lindemann blindemann@llgbankruptcy.com
- Stephen B Mashney trust@mashneylaw.com,
sherie@mashneylaw.com; miranda.m@mashneylaw.com; claudia.lopez@mashneylaw.com
- Christopher M Missick cmissick@frankel-tenant.com
- Douglas G Tennant dtennant@frankel-tenant.com
- United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
- Laurel R Zaeske lzaeske@rusmiliband.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL *(state method for each person or entity served)*: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* December 20, 2012, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

The Honorable Catherine E. Bauer VIA PERSONAL DELIVERY
U.S. Bankruptcy Court
Ronald Reagan Federal Building
Bin beside 5th Floor Elevators
411 W. Fourth Street
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

December 20, 2012 Anna Hoyle

Date Printed Name

Signature

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.